

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

DAVID JERMAINE AARON

Plaintiff,

VS.

ASPLUNDAH EXPERT TREE CO.,

Defendant.

CASE NO. 5:09CV301

JUDGE JOHN R. ADAMS

MEMORANDUM OF OPINION AND ORDER

On February 9, 2009, pro se Plaintiff David Jermaine Aaron filed this complaint against a company he named as Asplundah Expert Tree Co. Plaintiff previously filed two nearly identical actions on December 3, 2008 and January 12, 2009. See Case Nos. 5:08CV2839 and 5:09CV63. This Court dismissed the prior two complaints due to lack of subject matter jurisdiction.

From this third filing, it has become apparent that Plaintiff has not understood the prior dismissals issued by this Court. The Court has now twice informed Plaintiff that this Court lacks jurisdiction to hear a negligence claim brought by one Ohio resident against another Ohio resident. No amount of modifying the form of the complaint can change that result.

In its prior dismissals, this Court took great pains to explain precisely why the complaint cannot be heard in federal court. Nevertheless, the complaint was filed for a third time. Accordingly, Plaintiff is hereby placed on notice that re-filing this complaint for a fourth time, in any manner, in this Court may result in the imposition of monetary sanctions. Plaintiff would be well advised to contact a free legal service to be advised of the proper course for pursuing his state law cause of action.

Accordingly, Plaintiff David Jermaine Aaron's request to proceed in forma pauperis (Doc. 2) is granted and this action is DISMISSED WITHOUT PREJUDICE under section 1915(e). Further, the court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

Date: February 13, 2009

/s/ John R. Adams
Judge John R. Adams
UNITED STATES DISTRICT COURT